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SUBJECT: BW/CW ALLIED CONSULTATIONS, PARIS, MARCH 4-5,
WRAP-UP

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Classified By: Political Minister-Counselor Kathleen Allegrone
for reasons 1.4 b and d.

Summary

11. (SBU) The Close Allies (U.S., UK, France, Germany) met in Paris on March 4-5 to discuss issues related to chemical and biological weapons nonproliferation/arms control. The meeting focused on priorities, strategy and tactics on near-term issues, longer-term goals for the BWC and CWC, including relevant nonproliferation objectives, as well as to continue a more extended discussion on future OPCW challenges. Allies previewed key issues that likely will require further coordination and discussion prior to the OPCW Executive Council (EC-56) meeting on April 20-24 and held a smaller group meeting to begin discussions on the political, technical and security concerns surrounding chemical incapacitants. Although Allies discussed specific near-term issues that will require close coordination, the overall tone and common interest of the group remains forward-looking, focusing on how to shape these regimes to ensure their viability in the future.

12. (SBU) The U.S. was represented by State/ISN/CB Office Director Robert Mikulak; the UK by Chris Rampling, Deputy Head of the Counter-proliferation Department, FCO; Germany by Alexander Olbrich, Director BW/CW Division, MFA; and the French by Jacques Raharinaivo, newly-arrived Deputy Director of Multilateral Affairs, Disarmament and Conventional Arms Control, MFA. Germany will host the next meeting of four in Berlin in late September 2009; Washington is to host in Spring 2010.

13. (SBU) Dels agreed on the success of the BWC intersessional process to date. Careful preparation is required for 2009 in order to keep a balance between showcasing assistance already being provided to States Parties and the kind of assistance available, and steering the NAM towards making their own presentations and offers of assistance. U.S. Rep Mikulak urged using the World Health Organization's International Health Regulations to structure the discussions, inasmuch as IHR implementation requirements dovetail with the 2009 topics. UK, France and Germany are already thinking about the 2011 Review Conference. All three pointed to the need to consider soon how to handle the verification and compliance issue at that time, noting that some in the EU hope for a shift in the U.S. position. They have also recently been demarched by Russia on resuming work on verification and compliance; Russia apparently has demarched others as well. On BWC

confidence-building measures (CBMs), the four agreed to begin an informal review of CBMs, including how to increase participation. Germany will serve as a focal point and plans to hold a CBM workshop in 2010. On universality, the four agreed to redouble their efforts. Discussion on the Bioterrorism Experts Group (BTEX) meeting centered on the March 12-13 Tokyo workshop where lessons learned from national exercises will be reviewed; the U.S. suggested the need for regular policy-level oversight meetings and longer-term planning to reinvigorate G-8 bio-discussions. The U.S. and Germany briefed on their efforts to promote a voluntary screening framework for commercial gene synthesis.

¶4. (C) On CW-related topics, dels discussed selection of a new OPCW Director-General (DG), with the UK and Germany each indicating that it would have a candidate. All agreed an early coordination process is necessary in order to put forth a solid Western candidate. Dels also discussed chemical weapons destruction progress, but finessed the issue of how to handle those cases where a Party is unable to meet the 2012 destruction deadline. The four also talked through the possible scenarios that might unfold around the submission of the Iraqi CWC declaration (e.g., Iran). At U.S. request, a smaller group initiated discussion of policy regarding chemical incapacitants for law enforcement purposes. As usual, U.S. and UK views on CW-related issues were better developed, but overall the four are clearly on the same sheet of music.

BWC: Outcome of 2008 Meeting

¶5. (SBU) All agreed on the success of the 2008 meetings of Experts and States Parties, although France warned that what lies ahead will not be so "calm." The 2008 discussions demonstrated progress on the issues addressed -- biosafety, biosecurity, and professional responsibility -- since they were last considered, in 2003 and 2005 respectively. A common approach in line with WHO standards and OECD recommendations on biosafety/biosecurity was emerging. NGOs and outside groups have enriched the process, U.S. Rep observed. German Expert Beck welcomed agreement on acceptable standards for biosafety and biosecurity, but cautioned that emergence of additional standards, i.e. the CEN bio-risk standard, could unnecessarily complicate implementing the WHO and OECD standards. Some states might shy away from implementation, claiming "it's too much for us." Mikulak averred that the three sets of standards are compatible and all will be used.

BWC: Preparing for 2009 Meetings

¶6. (SBU) While still developing their approaches to the 2009 meetings, all agreed demonstrating assistance already provided or on offer was critical. UK Expert Miller said the UK will address examples of UK initiatives to assist developing countries in capacity-building projects across the human, animal and plant arenas, as well as initiatives by academia and possibly industry. They may present Global Partnership initiatives in the bio area as well. U.S. Rep prefaced his remarks with a disclaimer that while the new administration has not yet reviewed existing policies, he sensed high interest in bio issues. He drew on guidance to outline U.S. thinking on the 2009 meetings, emphasizing that the U.S. was looking to frame the discussion in the context of the WHO International Health Regulations (IHR) which have the 2009 Work Program topics as legally binding WHO requirements. U.S. Deloff Gromoll observed that this approach will contribute to a collective approach in contrast to the more traditional North vs. South approach of developing countries. She also outlined desirable outcomes from the 2009 meetings and some ideas on

structuring the Experts Meeting. Beck said Germany will focus on regional models of cooperation, including EU networks, reporting mechanisms, and organizational aspects. It will also address national approaches, building on its 2004 presentations, highlight cooperation and what Germany has to offer, and speak to the importance of WHO and OECD lab networks. France's main goal will be to ensure a real Western voice during the debates, having in mind that the NAM will insist on assistance and denigrate export controls. Listing offers for international assistance is a good idea, French Rep said, arguing for being concrete and consistent when discussing assistance, and ensuring follow up. Finally, he noted, assistance should look more technical and less political.

BWC: 2011 RevCon and Russian Demarches

¶7. (SBU) UK and France have begun planning for the 2011 Review Conference (RevCon). UK priorities are universality, national implementation, scientific developments and how to address them, CBMs, the role of the ISU, biosecurity, biosafety, and the process itself. Beck said that issues raised at the 2006 RevCon that are not part of the current intersessional process also need to be addressed, such as CBMs and scientific and technological developments. In addition, he reported there is increasing pressure to return to compliance measures. France reported on a Russian demarche on the future of the BWC, which leaves them puzzled in part because of references to the Group of Verification Experts (VEREX) (which met in 1992-1994). UK and Germany received nonpapers; France received a verbal demarche. Demarche is focused cryptically on VEREX, the Protocol, and verification and compliance. German Rep Olbrich noted statements by others in support of verification and compliance during 2008 meetings; there is continuing interest in the Bundestag. The four should prepare to react and find common ground on this issue, however, it is too early to start discussions with the U.S. now. U.S. Deloff Gromoll reported that the Russian demarches probably went to others as well but not the U.S. The UK agreed that it was not the time to raise

these issues, but expressed concern that Russia may get some "element of purchase" from those that don't fully understand the U.S. position. Rampling also noted that there is some pressure from within the UK Parliament to discuss verification. In addition, in a recent EU meeting some hoped that with a new Administration "maybe the U.S. will shift" its views on BWC verification and the Protocol. Germany suggested these issues be discussed among the four at the next meeting; U.S. said that it was focused on the 2009 meetings and had yet to start preparing for 2011.

BWC: Confidence-Building Measures (CBMs)

¶8. (SBU) Beck introduced papers cataloguing national and NGO positions on CBMs. He summed up that about 1/3 of the States Parties support review of CBMs, noting that this group included the EU, some non-EU WEOG states, and a number of Latin American states (not all proponents for CBMs actually provide CBM declarations). Beck is prepared to draft a strawman of agreed Close Allies approaches; Germany intends to host a CBM Workshop in Berlin in 2010. The 1991 CBM revisions were made to cast a broader net, and go beyond bio-defense programs, but they hadn't succeeded. As a way to increase returns, Dels agreed to identify States that have submitted CBMs before, but not recently and consider approaching them.

BWC: Universality Efforts Needed

¶ 9. (SBU) Universality will be a priority for Chairman Grinius in 2009. Dels agreed of the 31 countries outside the BWC, the 18 African States should be the current priority. The U.S. continues to push Israel, Egypt and Syria to join; Mauritania, Haiti and Liberia remain difficult.

Laboratory Biosecurity

¶ 10. (SBU) U.S. Rep outlined the January 9 Executive Order "Strengthening Laboratory Biosecurity in the U.S" and noted that recommendations to the President are due in early July. This could also impact U.S.-funded research in Europe. French Expert Daoust-Maleval noted the importance of following ISO standards and for staff to have security clearances; those working with especially dangerous pathogens in France do have such clearances. Beck shared that the Head of the Robert Koch Institute is the project manager for an EU Joint Action (with the WHO) to engage a country (either Oman or Iran) on WHO biosafety and biosecurity standards; this same approach will soon be used in South Asia. He also noted that policy follow-up to the 2006 EU "Green Paper" was nearing public release. There will be three papers emerging from this work, one on public health and law enforcement, another (an Action Plan) on policy and bridging the security and health gaps and the last on personnel reliability. There is consideration about having security clearances for certain transport workers. This is being drafted by European Commission staff and will need to be debated within EC security and health channels. Miller noted that Foot and Mouth Disease (FMD) outbreaks have led to a change in their legislation, a modification of the Terrorism Act, which now also covers animals and plants.

Bioterrorism Experts Group (BTEX)

¶ 11. (SBU) Dels exchanged information on plans for a March 12-13 expert session in Tokyo to share information on national exercises. French Rep from the PM's office will present information on a recent exercise held by France on smallpox. Three EU workshops have been held, according to Beck, containing various scenarios; it is now being turned into an EU White Paper entitled "Bridging Public Health and Law Enforcement." Mikulak, intent on understanding the root causes creating an ineffective BTEX process, urged Allied consultations on the future of BTEX. The recent forensic epidemiology exercise in Berlin gave the process some vitality, however, we need to focus on how best to

attract more interest from the Italian, Japanese and Russian governments. He recommended returning to regularized policy meetings, possibly twice a year and on the margins of the Non-proliferation Directors Group (NPDG) meetings. It would be useful if BTEX covered a broader range of topics to include lab biosecurity and forensic epidemiology. Rampling agreed that regular policy meetings are a good idea but cautioned that they need to be well-prepared to avoid a stalemate that could bring any technical work to a halt. Mikulak suggested several possible goals for the policy discussion could usefully do: develop common objectives for G-8 Summit Statements; plan topics for the next years discussion and for the workshops; coordinate more effectively between the health and security communities; and/or share best practices on lab security and personnel reliability. French and German dels did not react to the U.S. ideas.

Commercial DNA Synthesis

¶ 12. (SBU) Mikulak informed others of emerging U.S. policy on voluntary screening of commercial orders for gene

synthesis. Modern technology has enabled chemical synthesis of gene-length DNA sequences. This industry ships assembled double-stranded DNA based on sequence information that is uploaded via an online web site. Both government and industry are concerned about the risk of processing orders for harmful DNA sequences. Industry supports screening orders as part of good business practices. While the risks that denovo synthesis techniques will be used to successfully develop a potential bioweapon are currently small, the capability is present and will only become more available as time progresses. Uniform screening criteria and a database of sequences to screen against is necessary. However, many related questions arise: who establishes one, who pays for it, who ensures accuracy, what constitutes a good match; what agents will be contained in the database (Australia Group or U.S. Select Agent lists). Industry is very competitive and anything that slows down the process might be unwelcome.

¶13. (SBU) Beck noted that a consortium of German companies advocates voluntary screening. U.S. companies follow similar voluntary practices. A consistent approach is needed across the board. In Germany, 40 percent of short DNA sequences ("Oligos") are not naturally-occurring sequences; 8 percent of the longer sequences are not naturally-occurring. Beck expressed concern that no one can predict what the security consequences might be of novel DNA sequences. Overseeing this growing industry might be something the Organization for Economic Cooperation and Development (OECD) should look into. Mikulak noted interest in getting away from a list-based approach to regulating pathogens, however, the science isn't far enough along yet to predict risks directly from sequences.

¶14. (SBU) UK experts said they were working to identify relevant companies. A UK company is thinking of using the benefits of screening as a marketing tool to show they have exceeded industry standards. UK Commerce Rep Rodrigues said that critical mass was needed for this to work -- either all need to use screening methods or none would.

Australia Group

¶15. (SBU) Raharinaivo noted the limited participation in the October 2008 intersessional meeting, and although France had no strong views on the subject, he asked whether such meetings should continue. Rampling agreed with the general utility of the October meeting and noted that there will be a follow-up technical meeting in London in April 2009, hosted by the Australian Embassy. Olbrich had no strong views but agreed such meetings have value, and suggested holding technical meetings on the margins of the Plenary. Mikulak expressed satisfaction with the October meeting and welcomed the planned April meeting. He noted that technical meetings of experts work quite well in other regimes and suggested considering a continuation of such meetings.

¶16. (SBU) On AG outreach activities, Olbrich favored talks with the Russians at the technical level regarding export controls, but not discussions on the political level. Mikulak agreed and further noted that the reasons for not supporting Russian membership are clear and haven't changed, but the U.S. would welcome a discussion with Russia on their export control system. Raharinaivo stated that in addition to Russia, there were other countries that have expressed an interest in joining the AG, noting that there is not a systematic outreach approach by current AG members to solicit new members. Mikulak said that outreach to China, Taiwan and India are important, and possibly Chile and South Africa. French Rep agreed that they also view outreach to China as essential.

¶17. (SBU) Raharinaivo announced that the 2009 AG Plenary meeting will be held 21-25 September in Paris, however, the exact location has yet to be determined. He noted that France is considering presenting lessons learned from screening of visa applications for proliferation concerns. France is reviewing its screening procedures of graduate research students and would welcome any sharing of experience by others. The UK Rep said the UK is working to figure out how to keep up with what subjects are considered sensitive when screening graduate research students. All four delegations agreed that sharing each country's visa screening experiences would be useful. Olbrich also foreshadowed an initiative on end use controls similar to the initiative introduced and adopted by consensus for the Missile Technology Control Regime. He also noted that there is not a streamlined approach within the European Union.

CW Destruction

¶18. (SBU) French OPCW Deputy Representative Mari opened the discussion by asking the group which arguments are likely to arise in the coming months from NGOs, parliaments, and other interested parties, and what we can and cannot say on the subject of CW destruction. Mikulak distributed a recent press article quoting Valery Kapashin (Russian Federal Department for the Safe Storage and Disposal of CW) that Russia will likely see a 3 to 15 percent budget cut for chemical demilitarization due to internal issues and the global financial crisis. If Russia does not meet its 45 percent destruction deadline later this year, this could impact overarching destruction deadline discussions in the Executive Council. UK Deloffs noted Russian statements in The Hague have moved from firm assurances that the deadlines will be met to statements about financial and economic issues that will impact destruction efforts. UK Experts briefly went over the status of specific sites in Russia, and the possibility that Russia will not meet the already extended 45% deadline. UK experts further added that there has been no recent visibility into India's progress and whether or not India will meet or slightly miss their April 29, 2009 completion deadline. He further noted that he doubts swift progress by Libya and mentioned the many unknowns surrounding Iraq's destruction timeline. Mikulak added that Japan likely will not complete destruction of its abandoned chemical weapons (ACW) in China by the 2012 deadline.

¶19. (C) Meeting participants agreed that if other countries miss destruction deadlines, regardless of by how much, States Parties may find it difficult to continue the current hard line on meeting the 2012 destruction deadline and may need to explore alternative ways to move forward. Mikulak said that discussion of how to address the 2012 destruction question is premature and should be avoided. Olbrich stated that if the U.S. was the only country to miss the deadline, Iran might take the issue to the UN Security Council, however as Russia and others will also miss the deadline, the playing field is changed. U.S. OPCW Deputy Representative added that discussions on Iraq's destruction timeline will likely shift the dialogue to a broader view of destruction since Iraq will be the first country that most likely will not be bound to complete destruction by the 2012 deadline. She added that a country should not be condemned for missing a deadline by a few weeks, but rather States Parties should keep in mind the bigger picture that possessor states are committed to meeting CWC obligations.

¶20. (SBU) Mikulak said that the United States has made no secret of its inability to make the 2012 destruction deadline, and noted the upcoming EC visits to Umatilla, Oregon and Pueblo, Colorado. EC visit participants will see firsthand the construction progress made at Pueblo, one of the two facilities that will be operating after 2012,

and the continued progress of the incineration sites by the visit to Umatilla. The U.S. is hopeful that 90 percent of the U.S. stockpile will be completed by the 2012 deadline. The remaining 10 percent is at the two non-incineration sites, Pueblo and Blue Grass. It was for this reason that Pueblo was chosen as one of the two sites for the EC visit. He further added that the U.S. has increased the funding for these two sites substantially to accelerate destruction efforts.

¶21. (SBU) French Deputy OPCW Rep Mari asked if countries should begin looking at legal solutions for missing the deadline, but the U.S. Rep quickly noted that discussions are premature. Rampling suggested that Close Allies begin thinking about the implications of missing the 2012 deadline for efficacy of the regime. The aim would be to allow the OPCW to continue without a great disruption when the deadlines are missed. He urged participants to be in lockstep regarding future nonproliferation objectives to move the OPCW past a focus on destruction. Raharinaivo added that Iran will need to be fended off to avoid an imbalance in destruction conversations. He added that the worst case scenario would be for Iran to convince more countries that missing the deadlines equates to a lack of commitment to the Convention by possessor states. UK OPCW PermRep Parker observed that there will be destruction after 2012, and there will be later deadlines for Iraq and any other new member states possessing CW. That reality and missed deadlines will make it "less easy for absolutists."

IRAQ

¶22. (SBU) Olbrich noted that after Iraq submits its initial declaration there would be questions of the appropriate deadline and assistance. Mikulak stated that UNSCOM had an extensive inventory of the historical program, and had destroyed Iraq's weapons and production facilities but not to OPCW standards. He noted the U.S. has encouraged Iraq to make a presentation at the upcoming destruction informals in April, but said there appear to be significant gaps between the experts in Baghdad and both the Foreign Ministry and the Iraqi Embassy in The Hague. He raised the question of inspections and the Technical Secretariat's preparations to be ready to inspect sites when it is safe to do so. UK OPCW Rep Parker added that the TS would rely on the UN rules and procedures on security. The U.S. and UK noted that they would be making brief presentations during the destruction informals about their supplementary declarations regarding the disposition of chemical weapons found in Iraq up until entry into force (EIF) of the Convention for Iraq (February 12, 2009).

¶23. (SBU) German Expert Beck inquired whether any destruction of chemical weapons would have to be done in the open air, and whether there would be one or two destruction sites. That level of detail is not yet known, replied the experts, as a detailed destruction plan will require considerable further analysis. On Iraq's deadline, the U.S. Rep pointed to Article IV, paragraph 8 as the relevant one for states entering after the original destruction deadline. The group agreed that, while under that paragraph the deadline is set by the Executive Council, it would be advisable to have the decision taken before the 2009 Conference of States Parties (November 30-December 4).

¶24. (SBU) Mikulak stated that while the discussion on Iraq has tended to focus on the past, it is important to look forward. He said the U.S. plans (see reftel, para 23) to encourage the DG to develop a "program for Iraq," including how the TS and States Parties can assist Iraq in implementation of the Convention and deriving the benefits of OPCW's assistance and training. Rampling stated that this was a good idea; the Iraqis appear inexperienced, posing both risks and opportunities. The more positive

encouragement and guidance the Iraqis receive, the better, he said. French Dep Rep Mari noted Iran's warm welcome to Iraq at the last EC, with specific reference to the victims issue. UK Deloff Harrison asked about prospects for Iraq to become a member of the Executive Council. U.S. OPCW Dep

Rep Beik noted that the Iraqi Ambassador had inquired about EC membership and how the regional groups worked; he appeared quite interested in pursuing an EC seat as soon as possible (2010).

IRAN

¶25. (SBU) Raharinaivo cited the growing obstructionism of Iran at the OPCW and asked what could be done to mitigate it. German OPCW Perm Rep Burkart stated that during the last EC, Iran's behavior was less problematic, perhaps due to the clash at the Conference of the States Parties (CSP) in December. The NAM had also let Iran know that it had gone too far. U.S. and UK Del Reps agreed that while Iran had been more cooperative in EC-55, it was likely an exception to the general trend; the Iranian delegate who had caused the impasse in December was due to transfer, but uncertainty remains on who might replace him. UK Dep Rep suggested Close Allies encourage others to emphasize that consensus means compromise and not a veto for Iran. French Dep Rep noted that the Iranians could become difficult on procedures for the Director-General selection process, but that they will not attack Russia over potential deadline delays in the same way as they do the U.S.

¶26. (SBU) Mikulak relayed that questions on Iran's chemical weapons programs had been raised with the Government of Iran in the past, but not recently. He suggested that Close Allies might consider pursuing such questions bilaterally. Rampling replied that the UK also had such a dialogue, but also had not pursued it in recent years. He added that the broader context needs to be maintained -- the nuclear dialogue need not be brought into the CW dialogue in The Hague; all agreed.

¶27. (C) During a sidebar discussion, Mikulak and Rampling discussed working jointly on an approach and questions to raise about CWC concerns with Iran. The UK could possibly deliver such questions in what used to be a nonproliferation forum where such issues were discussed. Separately, UK MOD Rep Harrison recommended that the four meet in advance of the April destruction informals to discuss our recovered chemical weapons activities in Iraq. Based on the German questions on 122mm rockets and the locations of Iraqi CW, Harrison believes that a short presentation would answer questions and help minimize discussion during the actual informals. Both the U.S. and the UK agreed that such a presentation should not discuss the legal rationale for the recovery operations, but rather an overview of what was recovered and how destruction took place.

Election of OPCW Director General

¶28. (SBU) French Rep Raharinaivo stressed the importance of choosing a Director-General based on merit, and achieving consensus. Allies agreed, with the German Rep Olbrich adding that the Preparatory Commission's agreement that the top position should alternate between the developed and the developing world should be respected. He announced Germany will have a candidate; the name has not yet been approved by the Chancellor. UK OPCW Perm Rep Parker (who came to Paris for only a few hours for this part of the meeting) noted that the UK would also sponsor a candidate. On the PrepCom understanding, Parker noted that other States Parties may not regard the agreement as binding. Mikulak stated that the U.S. supported the PrepCom agreement, and while not popular, it might prove a useful bargaining chip

later. He noted that it is useful to have more than one Western candidate to avoid North-South polarization in the early stages. However, by late summer, WEOG and like-minded states would need to coalesce around the strongest candidate, with hope that the others would bow out gracefully to avoid splitting Western support. Parker said the key question, in his view, was how to manage a number of candidates, and the need at some point to narrow the list of Western candidates. He suggested a privately-agreed deadline among like-minded states for nominating candidates (perhaps early June) to allow for reviewing the prospects of the various Western candidates before the Executive Council session in July. Raharinaivo agreed that the smooth withdrawal of weaker candidates would be important.

¶29. (SBU) On procedures for vetting the candidates, Parker told the group that he had advised EC Chairperson Tomova to consult only on procedures leading up to candidates presenting themselves at the July EC, and not be dragged into efforts to predetermine the later stages. He warned that some countries want to shift the weight of the decision to the Conference, where the Non-Aligned Movement may have greater numbers for a vote. U.S. Dep Rep noted that Mexican Ambassador Lomonaco, the new EC Chair in May, plans to pursue extensive bilateral consultations and to bring the EC to consensus in October. Rampling noted for the EU members present that the "Brussels dimension" would need to be managed, and added that there would not be an EU candidate, given several states' interest in the position, reportedly including Romania and Italy. The group agreed that discussions amongst Close Allies in The Hague would be useful before the April and July Executive Council meetings. Burkart offered to host such a meeting in April; France offered the same for late June.

Future Evolution of the OPCW

¶30. (SBU) Rampling said the UK wanted to follow up on the discussion from last June regarding the future of the OPCW, noting that its recent paper looks forward to 2020. The UK believes the Chemical Weapons Convention will look significantly different in the future. He suggested that the Close Allies should share at the September meeting in Berlin what each wants to get out of the Executive Council meetings over the next two to three years in order to formulate goals for the 2011 Review Conference. Olbrich agreed this is a good idea and that there is a need to eventually shift the discussion from destruction to proliferation. Mikulak agreed, noting the need to consider broader evolutionary issues for the OPCW. Raharinaivo agreed and noted the importance of thinking in terms of nonproliferation and how verification can be improved.

¶31. (SBU) Rampling said the main issue for consideration is how the CWC will continue to be considered relevant in a post-destruction era. Mikulak agreed and offered that not only will nonproliferation be an important issue to consider but also what are the security needs and interests of other States Parties related to the subject matter of the Convention. He suggested that in addition to nonproliferation, safety and security of chemical enterprises will be important. He mentioned recent U.S. discussions with the Algerians where they expressed interest in these concepts and the prospect that Algeria may host a conference mid-year. He also noted the NAM statement at the Executive Council Meeting in February 2009 mentioned preventing terrorists from acquiring CW and this may be a demonstration of the evolution of NAM thinking.

¶32. (SBU) German Expert Beck stated that biology and chemistry are beginning to converge; knowledge about bio-targets for humans, plants and animals would be used to

develop new chemical agents, and possibly lead to changes in what is on the CWC schedules and which chemicals are of concern. French Dep Rep Mari suggested this might be useful for the Scientific Advisory Board (SAB) to consider. She noted the utility of including the scientific community, NGOs and academics in the meetings of the BWC and this approach may be useful in CWC fora as well.

¶33. (SBU) Mari stated there is a need to consider what to do about Article XI (Economic and Technological Development) without impacting the Australia Group. In her capacity as facilitator of the Open-Ended Working Group on Terrorism she noted the trend of safety and security under Article X (Assistance and Protection against Chemical Weapons) but reminded that the mandate is very broad and welcomed ideas for the Working Group.

¶34. (SBU) Raharinaivo noted the importance of CWC universality despite the fact that there are now 186 Parties. The French recently demarched Angola and the Dominican Republic and will contact The Bahamas soon. Angola responded that accession is not currently a priority; Dominican Republic answered that this is an "ongoing" process. Mikulak informed that The Bahamas

recently had two workshops and it seems they will accede in the near future. He also noted that the Dominican Republic has passed accession paperwork through their Parliament but a demarche may be helpful to push it through their Executive Branch. He reiterated that Egypt and Israel have agreed to "technical goodwill visits," which are intended to be a forum to discuss in practical measures how the Convention works. Mari noted the OPCW DG's concern about lack of responses from Egypt, Israel and Syria for the planned workshop in Turkey in mid-April; the EU is considering a demarche to the three targeted non-member states (Egypt, Syria and Israel) to emphasize the need for their political-level involvement. Rampling emphasized how imperative it is to keep chemical and biological issues on the Middle East security agenda; these issues "need to be tackled strategically."

Chemical Incapacitants

¶35. (C) In a separate smaller session, the Allies began discussing political, technical and security concerns with the potential use of chemical incapacitants, including the implications within the CWC and other broad national interests. Mikulak noted Allies' desire to address this issue before the Second Review Conference, but stressed the need to properly prepare the groundwork first before such a sensitive issue could be brought forward; such a discussion would have been counterproductive and potentially problematic as it would have caused a distraction from the work already underway. He also highlighted the need to be careful with terminology. Many critics of the U.S. have conflated the incapacitant and riot control agent issues with the term "non-lethal," which is problematic because it commingles two issues with very different policy contexts. The use of fentanyl by Russia in 2002 brings in another dynamic, further necessitating the need for making clear where we have legitimate concerns.

¶36. (C) The UK introduced a nonpaper on "Law Enforcement Chemicals and The Chemical Weapons Convention" and provided a brief outline of its main points. Rampling agreed with the U.S. that the Second RevCon was not the right forum to begin discussing incapacitants and that "non-lethals" encompasses items outside of the scope of the issue. He distinguished RCAs from incapacitants by stating that RCAs have short-term disabling effects, whereas incapacitant often require a medical antidote to end the effects. He went on to state that no country has come out and called the 2002 use of fentanyl by the

Russians a violation of the CWC. He raised several issues: States Parties may covertly develop incapacitating chemicals (or "other law enforcement chemicals" (LEC) as preferred by the UK) under the guise of law enforcement; there has been no discussion to date on what falls under law enforcement; we do not know what countries think about the issue and if countries have positions on what the next steps are; and we do not know how states may use these incapacitants nationally or internationally. He also offered a few options for the group's consideration: 1) voluntary reporting could be considered; 2) storage limits could be established; 3) prohibitions on the use with certain projectiles or munitions could be established; and the Scientific Advisory Board (SAB) could explore the technical issues associated with these agents.

¶137. (C) Olbrich welcomed this first discussion and will relay the discussions to his MOD colleagues. He noted with satisfaction that with the exception of the Swiss proposal, incapacitants did not enter the RevCon debate nor did they appear in the final report text. He referenced a Canadian paper that was tabled in the WEOG before the RevCon, but pulled shortly thereafter. Olbrich said he did not know if Canada still supported its previous proposal. He asked participants what their positions are on the Swiss proposals. His opinion was that the terms are good but the conclusions may not be supported by all. During the February SAB meeting, the German Rep said that one of the drafters of the Swiss proposal is still interested in moving forward with discussions on the proposal. France said that it has not done any research into the incapacitant issue to date, but would begin an internal dialogue and review existing documents on the subject.

¶138. (C) Mikulak reiterated that DoD is not developing or using chemical incapacitants and further that the U.S. holds that incapacitants are covered under the General Purpose Criterion in the CWC. UK MOD Deloff Harrison stated that the UK has begun engaging the NGO community on this subject to educate them on what the issues are from a government perspective. They believe the NGO community is more sympathetic to the associated issues than they were before the RevCon when several questions came in through parliament on the subject.

¶139. (C) Germany stated that we should look at what our knowledge is on the subject and what our internal legal analyses are. Olbrich offered a half-day follow-on session after the next Allied meeting to provide national assessments. Mikulak added that the quad allies need to understand the underlying security issues as well as political issues. He suggested that the four look at foreign activities on incapacitants and provide a threat assessment in September; others agreed.

Participants

¶140. (U) French Delegation: Jacques Raharinaivo, Deputy Director for Multilateral Affairs, Disarmament and Conventional Arms Control, MFA; Marie-Gaelle Robles, MFA BWC Desk Officer; Annie Mari, Deputy Perm Rep to OPCW; Frank Tecourt, MFA CWC Desk Officer, Isabelle Daoust-Maleval and Stephanie de la Peschardiere, MOD Department for Strategic Affairs; Stephanie Dare-Doyen, Radioprotection and Nuclear Safety Institute; and Mathieu Pampin, Health Safety and Security Agency.

German Delegation: Werner Burkart, PermRep to OPCW; Alexander Olbrich, Director, BW/CW Division, MFA; Holger Ruthe, Deputy Director, BW/CW Division; Volker Beck, BW Expert, MFA; and Juliane Thummel, BW/CW Division, MFA.

UK Delegation: Chris Rampling, Deputy Head (WMD),

Counter-Proliferation Department, FCO; Amb. Lyn Parker, PermRep to OPCW; Steve Crossman, Head of CBW Section, MFA; Karen Wolstenholme, Deputy PermRep to OPCW; James Harrison, Deputy Head, Counter Proliferation and Security Cooperation, MoD; Lorna Miller, Senior Biological Adviser, MoD; Clive Rowland, Chemical Arms Control, MoD; John Foggo, Head, CWC National Authority, Dept. of Energy and Climate Change; and Karl Rodrigues, CWC National Authority.

U.S. Delegation: Dr. Robert Mikulak, Director, Office of Chemical and Biological Weapons Threat Reduction, State; Janet Beik, Deputy PermRep to OPCW; Jennie Gromoll, Deputy Director, Office of Chemical and Biological Weapons Threat Reduction, State; Katharine Crittenberger, Deputy Director, Biological Weapons, Bureau of Verification, Compliance, and Implementation; Stephanie Mirabello, Biological Weapons, Bureau of Verification, Compliance, and Implementation; Johnathan Beckett, Deputy Director, Chemical Affairs, Bureau of Verification, Compliance, and Implementation; and Sarah Rodjom, Office of the Secretary of Defense.

¶41. (SBU) This cable was drafted by the U.S. Delegation and has been cleared by U.S. Representative Robert Mikulak.

PEKALA